

Exhibit A

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**NP SUNSET LLC D/B/A SUNSET STATION
HOTEL & CASINO**

Employer

and

Case 28-RC-222992

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO**

Petitioner

DECISION AND DIRECTION OF ELECTION

International Union of Operating Engineers Local 501, AFL-CIO (Petitioner) seeks to represent a unit of full-time and regular part-time slot technicians, utility technicians (collectively, technicians) and slot mechanics employed by NP Sunset LLC d/b/a Sunset Station Hotel & Casino (the Employer) at its Henderson, Nevada facility. The Employer contends that Petitioner cannot be certified as the representative of the employees in the petitioned-for unit under Section 9(b)(3) of the National Labor Relations Act (the Act) because the unit includes guards, and Petitioner admits employees other than guards to membership. The Employer also requested the imposition of a ban on electronic devices in the voting area.

A hearing officer of the National Labor Relations Board (the Board) held a hearing in this matter, and the parties orally argued their respective positions prior to the close of the hearing. As explained below, based on the record and relevant Board decisions, I find that technicians are not guards. Additionally, I find that it is not appropriate for me to impose a ban on electronic devices in the voting area in these pre-election proceedings.

I. FACTS

The Employer operates the Sunset Station Hotel & Casino in Henderson, Nevada. The Employer's facility includes gaming space of over 100,000 square feet occupied, in part, by approximately 2,100 gaming machines. The Employer employs approximately 1,200 employees.

The petitioned-for unit includes slot mechanics and technicians. However, the only witness at the hearing testified that the Employer does not currently employ any slot mechanics. The Employer employs approximately twelve technicians: nine slot technicians and three utility technicians. Utility technicians are the entry level position for technicians, essentially slot technicians in training. Generally, technicians are responsible for maintaining and ensuring

proper working order of the gaming machines. These technicians are involved in all aspects of machine conversions and relocations, and perform routine and advanced machine maintenance.

Technicians work in the Slot Department. The Slot Department is under the direction of Director of Slot Operations. The slot department has two separate sides: the technical side and the operations side. Reporting to the Director of Slot Operations on the technical side are the Slot Tech Manager and the Tech Project Supervisor. The technicians report to the Tech Project Supervisor.

Reporting to the Director of Slot Operations on the Operations side is the Slot Operations Manager, the Slot Shift Manager, the Slot Lead Guest Service Ambassador, and the Guest Service Ambassadors (GSAs).

Technicians spend approximately 75% to 80% percent of their working time on the gaming floor. They are charged with installing, repairing, and maintaining various facets of the gaming machines, including all test and support equipment, including but not limited to currency counters, signs, progressive and media hardware, and related equipment.

In order to perform their work, technicians carry keys that provide access to the machines. Key issuance is controlled and monitored by the Key Watcher or the Slot Office. Guest service attendants, and supervisors and shift managers within the Slot Department also may possess such keys. Loss of control of keys or taking keys off property is considered negligence and will result in corrective counseling up to and including termination. If technicians lose keys or take keys off property, they are required to immediately notify a slot lead or above who notifies surveillance, security, and senior slot management. Technicians are responsible for interacting with agents of the Nevada Gaming Control Board (NGCB) to facilitate and assist with the NGCB's inspection of machines.

In addition to duties related to machine maintenance, technicians are tasked with performing various functions to protect gaming machines against fraud and improper manipulation, which could lead to financial losses for the Employer. Technicians assist their supervisors or shift managers to investigate customer claims of machine malfunction, which, if verified, would lead to the Employer paying out a customer's legitimate winnings. If the customer's claim is not verified, then the claim would be denied. Moreover, technicians are responsible for fixing any machine malfunction, as well as performing manufacturer-recommended repairs that arise when vendors become aware of vulnerabilities or malfunctions in their machines.

Besides aiding with claims of gaming machine malfunction, technicians assist their supervisors or shift managers to investigate possible fraud by customers. For example, a technician may be asked by their supervisor or shift manager to assist with determining whether there is evidence of tampering if there are irregular payouts on a machine. The Employer would not be able to detect certain kinds of fraud without the work performed on its machines by its technicians. Due to their intimate knowledge of the gaming systems, technicians are prohibited

from gambling at the Employer's facility. The Tech Project Supervisor, Slot Tech Manager, and Director of Slot Operations are also prohibited from gambling at the Employer's facility. The record does not reflect whether the Employer's security guards are permitted to gamble at its facility, however, most of the Employer's employees are permitted to gamble at its facility.

All of the Employer's employees are obligated to be alert for evidence of other malfeasance such as underage gambling and drinking. Instances of underage gambling could lead to fines by the NGCB and the revocation of Employer's gaming license. Employees on the gaming floor, such as technicians, GSAs, bartenders, and servers, have a heightened responsibility. Technicians would report prohibited activity to the slot team supervisor, shift manager, or security. Technicians' duties in this regard are no greater than other employees who work on the gaming floor. All employees are responsible for reporting underage gambling and drinking.

The Employer has a Security Department, separate from its Slot Department and its Surveillance Department, with different management within each department. Technicians do not carry handcuffs, firearms, or other weapons. They receive no training in typical security functions. They are not expected to restrain or apprehend guests or respond physically with force. Technicians wear black uniforms specific to technicians only, with nametags on one side of their uniform shirts and a property patch designating Stations Casino on the other side of their uniform shirts. Technicians also wear tool belts to hold the tools they use on the machines and carry radios. Technicians do not wear or carry any badges.

Security personnel also wear black uniforms, but they are different from the black uniform worn by technicians. Unlike technicians, security personnel wear badges and a belt designed to carry their handcuffs, guns, batons, and radios.

The record does not reveal that the technicians are permitted to enter any surveillance room. Technicians do not participate in "sting" operations to detect malfeasance by employees or customers. There is no record evidence that the technicians have any involvement in the confrontation, reporting, or investigations of other employees, except to the extent that inspection of a gaming machine might be required. The record lacks any evidence that technicians have an obligation to report employee misconduct beyond that of other employees.

Security personnel are tasked with patrolling the inside and outside of the Employer's facility and investigating customer-related disturbances or suspected malfeasance by employees. Security personnel and technicians are not interchangeable and do not perform each other's work duties. Whenever technicians move money from machines, they are required to contact security personnel. The record does not further detail whether security personnel access machines or are permitted to gamble at the Employer's facility.

II. ANALYSIS

A. Non-Guard Status of Technicians

Section 9(b)(3) of the Act prohibits the Board from certifying a labor organization as the representative of a guard unit if the labor organization has members who are non-guard employees. The Employer asserts the technicians are guards because the core function of a technician is to enforce the Employer's rules and policies against guests and employees to safeguard the Employer's property and assets. The parties stipulated that Petitioner represents non-guard employees as a complement of its membership.

To be a guard under the Act, an individual must enforce rules to protect the property of the employer's premises against employees and other persons. *Reynolds Metal Co.*, 198 NLRB 120, 120 (1972). "[T]he Board has determined that employees are guards within the meaning of the Act if they are charged with guard responsibilities that are not a minor or incidental part of their overall responsibilities." *Boeing Co.*, 328 NLRB 128, 130 (1999).

"Guard responsibilities include those typically associated with traditional police and plant security functions, such as the enforcement of rules directed at other employees; the possession of authority to compel compliance with those rules; training in security procedures; weapons training and possession; participation in security rounds or patrols; the monitor and control of access to the employer's premises; and wearing guard-type uniforms or displaying other indicia of guard status." *Id.* The Board has rejected the assertion that an employee's "responsibility to report security problems confers guard status." *Id.* at 131.

While the Employer instructs technicians, as part of their job duties, to report to the Employer evidence of tampering with gaming machines or other fraudulent conduct, "[a] reporting function alone, without significant security-related responsibilities, [does not] confer guard status." *Id.* In *Boeing*, the Board rejected an assertion firefighters who were required "to be alert for suspicious activity while on their tours and question unfamiliar individuals on the premises" as well as "report suspicious activity to the security department rather than deal directly with it themselves" were guards. *Id.* at 131. The Board determined that "to the extent that the firefighters'...duties conferred upon them some limited guard responsibilities, those responsibilities were only a minor and incidental part of their overall responsibilities...and, thus, do not transform the firefighters into statutory guards." *Id.* at 131.

The Employer has not supported its claim that technicians are guards. The evidence presented does not show that technicians enforce rules to protect property against employees and other persons. From the evidence of record, technicians do not perform any of the traditional guard responsibilities identified by the Board in *Boeing*. Technicians were not hired to perform any security functions, and perform no security functions beyond what would be expected of any other employees.

Any guard-like responsibilities conferred on technicians are, like the firefighters in *Boeing*, a minor and incidental part of their primary responsibility of providing services to guests gambling on the Employer's gaming machines. As stated above, technicians do not confront people but are instead simply expected to report to the Employer.

The Employer pointed to the circuit court decision in *Bellagio, LLC v. NLRB*, 863 F.3d 839 (D.C. Cir. 2017), in asserting that because technicians play an integral role in detecting and investigating loss and malfeasance in connection with gaming machines, technicians are guards. In that decision, the key issue was whether surveillance technicians were guards under the Act. In finding that the surveillance technicians were guards, the Court focused on four facts: (1) that certain surveillance/security personnel could not perform their job functions without the surveillance technicians, (2) the Board did not give due consideration to the status of security in modern casinos, (3) surveillance technicians could control what surveillance/security personnel viewed via surveillance camera due to their access to the equipment and surveillance-critical areas of the casino, and (4) surveillance technicians were tasked with enforcing rules against fellow employees.

The arguments asserted by the Employer have been previously raised in *Station GVR Acquisition, LLC*, Case 28-RC-203653, in *NP Palace LLC*, Case 28-RC-211644, and in *NP Lake Mead LLC*, 28-RC-218426. In all of these cases, I found that the petitioned-for units were not "guards" as defined under Section 9(b)(3) of the Act. The Board has denied the Employer's requests for review in *Station GVR Acquisition, LLC*, 2017 WL 5969305 (Nov. 30, 2017) (unpublished order) and *NP Palace LLC*, 2018 WL 1782720 (Apr. 12, 2018) (unpublished order). The Board has not yet ruled on the Employer's request for review in *NP Lake Mead LLC*, 28-RC-218426.

The Board's reasoning in denying the Employer's request for review in *NP Palace LLC* is particularly instructive:

In denying review, we agree with the Regional Director that the D.C. Circuit's decision in *Bellagio, LLC v. NLRB*, 863 F.3d 839 (D.C. Cir. 2017), is distinguishable. Unlike the employees at issue in *Bellagio*, the technicians in the present case play no special role in enforcing the Employer's rules against their coworkers and other persons beyond that of any other employee, do not control access to the Employer's surveillance technology or play a key role in its use, and do not otherwise enforce the Employer's rules in a security context. Instead, the technicians merely provide a defined, supportive role to investigators or state gaming agents through technical assistance at the request of the slot supervisors. In this respect, we reject the Employer's argument that the court's decision in *Bellagio* dispensed with the requirement that guards act to enforce the Employer's rules in a security context. Last, we observe that the technicians are part of the Employer's Slot Department, whose core function is to install and maintain the Employer's gaming machines, not

the Employer's separate Security Department, which provides traditional guard services and otherwise handles the Employer's security needs.

NP Palace LLC, 2018 WL 1782720 fn.1.

In the instant case, the only factor that the technicians share with those technicians in *Bellagio* is that they work in a casino. The technicians' responsibilities here are distinct from security functions. I am, therefore, refusing to find that the Petitioner cannot be certified as the representative of technicians on that basis.

B. The Employer's Request to Ban Electronic Devices in the Voting Area

The Employer has requested that nobody be permitted to possess electronic devices in the polling area, positing that such devices could be used to pressure voters to "prove" how they voted. Section 102.64 of the Board's Rules and Regulations states that the purpose of pre-election hearings is to determine whether a question of representation exists. The Employer's request goes beyond that purpose, insofar as it raises an issue concerning the manner in which the election will be conducted. In any event, the Board agent assigned to conduct the election and the parties' observers can monitor the polling area to ensure electronic devices are not being used in a manner that will interfere with the required laboratory conditions for an election. If electronic devices are used in the polling area during the election in a manner that interferes with employees' free choice in the election, either party can raise the question of whether such conduct was objectionable in timely filed objections.

III. CONCLUSION

Based upon the entire record in this matter, including the stipulations of the parties, and in accordance with the discussion above, I conclude and find as follows:

1. The rulings at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹

¹ I find, based on the stipulations of the parties and the record evidence, that the Employer, NP Sunset LLC d/b/a Sunset Station Hotel & Casino is a Nevada limited liability company with an office and place of business in Henderson, Nevada, and is engaged in the operation of a hotel and casino, providing gaming, lodging, entertainment, and dining services. During the 12-month period ending June 29, 2018, the Employer, in conducting its business operations described above, purchased and received at its facility goods valued in excess of \$5,000 directly from points outside the State of Nevada and derived gross revenues in excess of \$500,000.

3. Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.²
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time slot technicians, utility technicians, and slot mechanics employed by the Employer at its facility in Henderson, Nevada.

Excluded: All other employees, office clerical employees, professional employees, and guards and supervisors as defined by the National Labor Relations Act.³

There are approximately 12 employees in the unit found appropriate.

IV. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by International Union of Operating Engineers Local 501, AFL-CIO.

A. Election Details

The election will be held on Thursday, July 19, 2018, from 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. at the Employer's facility located at 1301 West Sunset Road, Henderson, Nevada, in the Sevilla Banquet Room.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending July 1, 2018, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

² The parties stipulated, and I find, that Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

³ The unit found appropriate conforms with the unit sought by Petitioner. Although there is a dispute concerning whether the unit sought in the petition is inclusive of guard employees and therefore may not be represented by the Petitioner, the parties otherwise stipulated to the classifications to be included and excluded in the unit, as set forth above.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **July 17, 2018**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated at Phoenix, Arizona, this 13th day of July, 2018.

/s/ Cornele A. Overstreet
Cornele A. Overstreet, Regional Director

Exhibit B

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

NP SUNSET LLC D/B/A SUNSET STATION
HOTEL & CASINO

Employer

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO

Petitioner

Case 28-RC-222992

TYPE OF ELECTION: RD DIRECTED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for **INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 501, AFL-CIO**, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

UNIT: All full-time and regular part-time slot technicians, utility technicians, and slot mechanics employed by the Employer at its facility in Henderson, Nevada; excluding all other employees, office clerical employees, professional employees, and guards and supervisors as defined by the National Labor Relations Act.



Signed at Phoenix, Arizona on
the 1st day of August 2018.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

Exhibit C

1 Issues to be litigated: Would the Employer please state
2 his position on the issue to be litigated in this matter?

3 MR. LAC: Yes. The Employer's position is that the
4 proposed unit is not appropriate because it is composed of
5 guards within the meaning of the National Labor Relations
6 Act. Petitioner cannot be certified as a bargaining
7 representative of the unit because it admits to membership
8 employees other than guards.

9 HEARING OFFICER McGUIRE: And can the Petitioner state
10 his position on that?

11 MR. TOMBERLIN: Yeah, we don't have guards in this unit.
12 Therefore, the petitioned-for unit is appropriate.

13 HEARING OFFICER McGUIRE: So the burden of proof will
14 lie with the Employer to present evidence supporting its
15 position. You must present specific, detailed evidence in
16 support of your position. General conclusionary statements
17 by witnesses will not be sufficient.

18 Okay, Employer, please present your first witness.

19 MR. LAC: At this time, we would like to offer a
20 stipulation as to one of the Employer's witnesses,
21 Mr. Richard A. DeGuise, Jr. We would, we would submit to the
22 Board a parties' agreement that Mr. DeGuise's testimony be
23 stipulated for purposes of this matter because the testimony
24 he will be providing here is applicable or is similar to
25 prior testimony he's already given on similar matters. And

1 the testimony we would like to stipulate to is from in
2 matter, in the matter of Palace Station and International
3 Union of Operating Engineers, Local 501, AFL-CIO, Case Number
4 28-RC-211644.

5 HEARING OFFICER McGUIRE: And would that be his full
6 testimony from the transcript?

7 MR. LAC: Yes. Yes, his initial -- the direct
8 examination, cross-examination, and redirect.

9 HEARING OFFICER McGUIRE: Do you have a copy of that to
10 present?

11 MR. LAC: Yes. We'd like to submit Joint Exhibit Number
12 1 -- we move to submit Joint Exhibit Number 1 to the -- to
13 the record.

14 **(Joint Exhibit 1 marked for identification.)**

15 HEARING OFFICER McGUIRE: Okay. Mr. Tomberlin?

16 MR. TOMBERLIN: Petitioner so stipulates.

17 HEARING OFFICER McGUIRE: Okay. Can you hand him a
18 copy?

19 MR. LAC: Yeah.

20 HEARING OFFICER McGUIRE: So that's Joint Exhibit 1.

21 **(Joint Exhibit 1 received in evidence.)**

22 HEARING OFFICER McGUIRE: Okay, you may continue.

23 MR. TOMBERLIN: At this time Petitioner would move to
24 exclude any witnesses or potential witnesses that might hear
25 the testimony of whoever is going to be called.

1 McGuire as a witness.

2 MR. McGUIRE: Sit up here?

3 HEARING OFFICER McGUIRE: Yes, please, that little
4 chair. Raise your right hand.

5 (Whereupon,

6 **NICHOLAS L. McGUIRE**

7 was called as a witness by and on behalf of the Employer and,
8 after having been duly sworn, was examined and testified as
9 follows:)

10 HEARING OFFICER McGUIRE: Please have a seat. Would you
11 please state and spell your full name?

12 THE WITNESS: Yes. My name is Nicholas L. McGuire,
13 Nicholas Lee McGuire, last name spelled M-c, capital
14 G-u-i-r-e.

15 MR. LAC: Okay?

16 HEARING OFFICER McGUIRE: Please proceed.

17 **DIRECT EXAMINATION**

18 Q. BY MR. LAC: Mr. McGuire, what is your current position?

19 A. I am the slot director at Santa Fe Station.

20 Q. Are you currently employed by Station Casinos; is that
21 correct?

22 A. I am.

23 HEARING OFFICER McGUIRE: One moment. You are the slot
24 director of Santa Fe Station?

25 THE WITNESS: I am currently.

1 HEARING OFFICER McGUIRE: Not the current property that
2 we are looking at?

3 MR. LAC: He's the -- Mr. McGuire is the former --

4 Q. BY MR. LAC: Are you the former -- what is your former
5 position?

6 A. I am the former director at Sunset Station for the last
7 2 years. It ended about a month ago.

8 Q. And there is no current -- is there a current slot
9 director at Sunset Station?

10 A. There is not.

11 Q. How long, how long were you the slot director at Sunset
12 Station?

13 A. Almost 2 years.

14 Q. Two years.

15 MR. TOMBERLIN: I just would like a continuing objection
16 that his testimony is not relevant as far as past practices.
17 We're here about current practices and the practices that
18 would be in effect at the time of the election.

19 HEARING OFFICER McGUIRE: You're here to -- for the
20 practices that are in effect at the time of the election
21 right now, and I don't see a reason if he's -- you were there
22 a month ago?

23 THE WITNESS: Um-hum.

24 HEARING OFFICER McGUIRE: And you are --

25 THE WITNESS: Yes.

1 MR. TOMBERLIN: Is that testimony related to Sunset or
2 generally? I'm just confused by the question.

3 MR. LAC: I asked while you were slot director at Sunset
4 Station what were your job duties.

5 HEARING OFFICER McGUIRE: Just to be very clear, please
6 indicate in your questions that this -- what property this
7 applies to, his testimony would apply to with each question.

8 MR. LAC: Sure.

9 HEARING OFFICER McGUIRE: So there is no mix-up.

10 MR. LAC: Um-hum.

11 Q. BY MR. LAC: And as the slot director at Sunset Station,
12 were you personally familiar with the day-to-day job duties
13 and responsibilities of slot technicians?

14 A. Yes.

15 Q. What about of utility technicians?

16 A. Yes.

17 Q. What about slot mechanics, are they, are they the same
18 as a slot technician?

19 A. Our positions at Sunset are slot techs and utility
20 techs.

21 Q. Got it.

22 HEARING OFFICER McGUIRE: Okay, utility tech, how does
23 -- what is the responsibilities of the utility tech as
24 opposed to a slot tech?

25 THE WITNESS: A utility tech is more of an entry-level

1 position, so they're more like a slot tech but still in
2 training. So they'll do a lot of preventive maintenance and
3 then assist the slot techs with their functions.

4 HEARING OFFICER McGUIRE: Okay. And you said they don't
5 have any slot mechanics at Sunset Station?

6 THE WITNESS: We don't have slot mechanics. We have
7 slot technicians.

8 HEARING OFFICER McGUIRE: Okay, continue.

9 Q. BY MR. LAC: Can you, can you briefly describe the core
10 job functions of the technicians?

11 A. Sure. They work on the slot machines directly. They
12 install, move, set them up, make sure they're working
13 correctly, make sure that their -- the payoffs are correct,
14 mechanically they're working, electronically they're working
15 correctly.

16 Q. What is, what is the overall purpose of those functions?

17 A. The main purpose of the function is to make sure, like I
18 said, that the payouts are correct, that the guest has a
19 seamless experience when they're playing the slot machines,
20 and protect the assets of the Company.

21 HEARING OFFICER McGUIRE: That was the guest has a what
22 experience?

23 THE WITNESS: A seamless experience.

24 HEARING OFFICER McGUIRE: Seamless, thank you.

25 THE WITNESS: Yes.

1 Q. BY MR. LAC: What types of machines are the slot
2 technicians responsible for maintaining?

3 A. All types of machines. There is a video poker,
4 mechanical reel, video reel, all types of slot machines, bar
5 tops.

6 Q. Got it. Approximately how many slot machines or gaming
7 machines are located -- are in service at Sunset Station?

8 A. About right around 2,100.

9 Q. And you mentioned you were, you were in the slot machine
10 industry for about 19 years.

11 A. Correct.

12 Q. Can you look back -- can you think back to when you
13 first started, were you, were you around when slot machines
14 were prominently mechanical?

15 A. Yes.

16 Q. And would it be -- how are slot machines, the state of
17 slot machines changed over time?

18 A. Well, they've evolved a lot since 20 years ago. They
19 took coins, they mechanically took coins and issued coins,
20 and mechanical reels. A lot of that has evolved into more
21 video type slot machines, more computer type slot machines.

22 Q. Are the internal functions or operations of the machine
23 different somehow? Like what's the -- in layman's terms,
24 what's the fundamental difference now?

25 A. A lot of it are they're actually operated with computer

1 boards now, and it wasn't that much back 20 years, more
2 mechanical.

3 Q. Got it. Let's start, let's start -- let's go back to
4 the video poker machines that you mentioned. Are there any
5 ways in which guests might try to cheat the Company on a
6 video poker machine?

7 A. Sure. There's ways. A lot of guests will claim that
8 the cards didn't hold or buttons didn't function or things
9 are not functioning the way they're supposed to. So, yeah, a
10 lot of guests will do that, and the slot techs would assist
11 with checking out those claims and verifying.

12 Q. You mentioned there's an issue with the hold button, you
13 said?

14 A. Yeah.

15 Q. Can you describe that complaint?

16 A. Yeah. The video poker machine is basically you're dealt
17 cards and you choose which ones, which cards you want to hold
18 by pressing the button underneath that card or touching the
19 touch screen, either way.

20 Q. And so what will a guest claim then?

21 A. They'll claim that the -- for instance, like if they are
22 dealt two aces and three other cards, that one of the aces
23 didn't hold even though they pressed the button, so they'll
24 claim that the slot machine didn't function correctly.

25 Q. What's the slot technician's role in addressing that

1 complaint?

2 A. They'll come and actually check the game and verify that
3 the buttons are working, mechanically that they are working
4 correctly.

5 Q. What's the, what's the process of checking the button?

6 A. They put it in a mode where they can actually see if the
7 button is working. They can press the button, and the little
8 number on the screen will test from zero to one, depending on
9 which button they're pressing, and they can verify that it
10 actually works.

11 Q. Got it, okay. And then does the slot technician come to
12 a conclusion or a finding?

13 A. Correct. And then they'll -- usually there is a
14 supervisor involved at this point, too, and they will tell
15 the supervisor and show the supervisor whether the button is
16 working correctly or not.

17 Q. Got it. And the supervisor, does the supervisor -- what
18 does the supervisor do with that information from the slot
19 technician?

20 A. Well, they'll take that information into account, and
21 then they'll talk to the guest, whoever that's making the
22 claim that the button wasn't working correctly, what their
23 findings were, whether the button is or not working
24 correctly.

25 Q. Got it. Ever any occasion where a supervisor discredits

1 the slot technician's finding?

2 A. No.

3 MR. TOMBERLIN: I'm just going to object to the leading
4 nature of the last few questions.

5 HEARING OFFICER McGUIRE: Please state the question
6 correctly.

7 Q. BY MR. LAC: Any other examples of guests cheating in
8 video poker or any other slot machine?

9 A. Yeah, I've seen actually guests using devices to cheat
10 the machines. When I worked at Arizona Charlie's previously,
11 the Stations Casinos, there were a --

12 MR. TOMBERLIN: Objection to the relevance of testimony
13 at Charlie's or wherever that is not Sunset. We're here
14 about Sunset today.

15 HEARING OFFICER McGUIRE: Yes. Anything at Sunset that
16 you've seen yourself?

17 THE WITNESS: Only claims. Only false claims, not
18 actual cheating.

19 Q. BY MR. LAC: Any other complaints about malfunctions,
20 machine malfunctioning, any issues like that?

21 A. Yes, we've seen --

22 HEARING OFFICER McGUIRE: At Sunset Station.

23 Q. BY MR. LAC: At Sunset Station.

24 A. At Sunset Station, yes. We've seen instances where the
25 computers malfunction and the -- things will happen, like

1 they'll lose the memory on the slot machines. That happens
2 often.

3 Q. What's a slot technician's role in addressing those
4 issues?

5 A. To basically diagnose the game, to see if they can
6 recall the memory or recall the game, get it functioning
7 correctly.

8 Q. And let's -- can I ask you what -- to explain what a
9 bill validator is?

10 A. Sure. A bill validator is the device that you put a
11 bill, currency, American currency into the machine, and it
12 validates that it is genuine and not a counterfeit.

13 Q. These are, these are on the slot machines themselves?

14 A. They are on every single slot machine.

15 HEARING OFFICER McGUIRE: Let me ask you this, would
16 that be the same slot where a guest would put money in to
17 play the machine?

18 THE WITNESS: That is correct.

19 HEARING OFFICER McGUIRE: And so as they put -- as the
20 guest puts money into the machine at Sunset Station, that
21 validator would --

22 THE WITNESS: That is correct. They put the bill in.
23 It would draw the bill in. It uses cameras and then memory,
24 level of actual bills, and verifies that the bill is not a
25 counterfeit; that's correct.

1 Q. BY MR. LAC: Do you know of any -- at Sunset Station,
2 any issues regarding the bill validator malfunctioning or
3 being exploited by guests?

4 A. Not at Sunset.

5 Q. Has a guest ever claimed anything as to the bill
6 validator at Sunset about --

7 A. Guests claim. There are times when the bill validators
8 will take a bill and not credit the machine, so it is not
9 uncommon for guests to say -- to flag down a team member and
10 say, hey, I put a \$100 bill in this game, and it didn't give
11 me the credits. That does happen.

12 Q. So what's the slot technician's role in addressing that
13 complaint?

14 A. So the slot techs would be the ones that would check out
15 the key, to open up the bill validator can after verifying
16 through the records whether or not a bill was accepted, which
17 is on the actual slot machine. They'll go through the event
18 log and see if a bill was accepted that matches what their
19 claim was. And then they will check out a key if they still
20 need to, to open up the actual can where the bills are stored
21 and verify that that bill is there or not.

22 Q. Is any other employee at Sunset Station able to do that?

23 A. It's primarily a slot tech function, but the supervisors
24 can check out the key.

25 HEARING OFFICER McGUIRE: Any others?

1 MR. TOMBERLIN: But it's the information that the
2 Employer --

3 MR. LAC: We're not, we're not asking him any questions
4 about the actual information in this, just the existence of
5 the report.

6 MR. TOMBERLIN: Then I'd move to exclude the document,
7 and you can have him testify that there are in fact reports
8 made.

9 HEARING OFFICER MCGUIRE: I'm going to allow it at this
10 time, and we'll see what the testimony is.

11 MR. LAC: Sure.

12 HEARING OFFICER MCGUIRE: And allow --

13 MR. LAC: Sure.

14 HEARING OFFICER MCGUIRE: -- the reader of the record to
15 give it the proper weight.

16 Q. BY MR. LAC: Can you generally explain the -- are you
17 familiar with what a bill validator report is?

18 A. Yes. This is a reject report which shows by machine the
19 top 10 machines on the floor that did the most bill validator
20 rejects.

21 Q. When you say bill validator rejects, what do you mean by
22 that?

23 A. That means a guest will try to put a currency, a bill
24 into the machine, and it's rejected by the validator.

25 Q. What would cause a machine to show up on a bill

1 validator report?

2 A. If it's the top 10 game on the floor that rejected, it
3 would show on this report. And it's the bills could be bills
4 that have writing on them, so that the machine, the bill
5 validator can't validate it. It could be torn. It could be,
6 it could be counterfeit.

7 Q. In your experience as the slot director at Sunset
8 Station, you received bill validator reports on a daily
9 basis?

10 A. Daily.

11 Q. Who else receives these reports?

12 A. So it goes to the slot tech group.

13 HEARING OFFICER McGUIRE: What is the slot tech group?

14 THE WITNESS: So it would be the slot techs, a tech
15 supervisor and tech manager, and myself.

16 Q. BY MR. LAC: And what would, what would the slot
17 technicians do upon receiving a bill validator report?

18 A. So it's a daily function of the slot techs to take this
19 report and go to each one of the games that are on this list,
20 and check the validator and make sure it's functioning
21 correctly, to clean it or make any repairs or software
22 updates that is needed.

23 Q. At Sunset Station, are there any other hourly employees
24 that would perform this function?

25 A. No.

1 Q. Other than slot technicians.

2 A. Just slot technicians.

3 Q. Okay, we're done with that exhibit. Are there any
4 instances in which guests might claim extra credits are in
5 the machine?

6 A. Yeah, there are times when the guest will claim that
7 they are not -- they were not paid correctly according to the
8 slot machine.

9 Q. What circumstances would ordinarily be associated with
10 that claim?

11 MR. TOMBERLIN: This is at Sunset Station, right?

12 Q. BY MR. LAC: At Sunset Station.

13 A. I'm trying to think of an example. A lot of times a
14 guest will not understand the pay tables. Like, for
15 instance, they'll say that they should have received 1,000
16 credits instead of 100 credits, not taking into account how
17 many credits they wagered. There are times when they put a
18 bill in thinking that it was a \$100 bill but they only put a
19 \$10 in, when they think that they should have more credits on
20 the machine. There's a lot of different ways.

21 Q. Okay.

22 HEARING OFFICER MCGUIRE: Mr. Lac, before we go any
23 further, would you like to offer this in evidence, Exhibit 1?

24 MR. LAC: Yes. I would like, I would like to move
25 into -- move to admit Employer's Exhibit Number 1 into the

1 record.

2 HEARING OFFICER McGUIRE: And your objection was?

3 MR. TOMBERLIN: Yeah, my objection is that this document
4 cannot be authenticated by anything that we've seen. The
5 information on it was not testified to. Whether or not this
6 exhibit was shown to the petitioned-for group cannot be
7 testified to, nor can any percentages related to what's
8 reflected here be referenced as frequently accurate or not
9 frequently accurate.

10 HEARING OFFICER McGUIRE: Okay, understood. I am going
11 to accept this in evidence, as I stated, for the reader of
12 the record to give it the appropriate weight. Go ahead.

13 **(Employer's Exhibit 1 received in evidence.)**

14 Q. BY MR. LAC: And can -- at Sunset Station, have you ever
15 encountered an issue with a guest claiming any issues with
16 the printer on the slot machine?

17 MR. TOMBERLIN: I'm going to object again to the leading
18 nature of these questions.

19 HEARING OFFICER McGUIRE: Yes, please. Restate your
20 question, please.

21 Q. BY MR. LAC: In your experience as slot director at
22 Sunset Station, have guests made any other complaints about
23 the machines' functionality?

24 A. Yes. There have been issues where they feel that the
25 printers haven't functioned correctly, that it is printing

1 the wrong amounts or that a ticket didn't print at all.

2 Q. When you say ticket, what do you mean by that?

3 A. As the slot machine, when you put money into the slot
4 machine, it doesn't issue money back out. When you cash out,
5 it actually issues a ticket that has a value attached to it.

6 Q. And to be clear for the record, at Sunset Station you
7 have encountered that issued?

8 A. Yes.

9 Q. Let's turn to slot machines generally. Have you
10 encountered any cheating with respect to slot machines with
11 jackpot payouts?

12 MR. TOMBERLIN: This is, this is the same leading
13 questions where he's telling him where to go, and it's
14 completely inappropriate.

15 HEARING OFFICER MCGUIRE: Yes. Please restate your
16 question.

17 **(Employer's Exhibit 2 marked for identification.)**

18 Q. BY MR. LAC: Okay. You know what, let me -- let me get
19 to Employer's -- I'd like to show you a document then,
20 Employer's Exhibit 2. I'm sorry, there's two pages.

21 A. Two pages, yep.

22 HEARING OFFICER MCGUIRE: I did get two pages.

23 MR. LAC: I need to hand you this page.

24 MR. TOMBERLIN: It's two pages?

25 MR. LAC: It's two pages, yeah.

1 A. Yes.

2 Q. Okay. And you saw it whenever you were at Sunset
3 Station?

4 A. I did.

5 Q. Were there other guidelines outside of this related to
6 slot technician policy and procedures?

7 A. No, that's it.

8 HEARING OFFICER McGUIRE: Okay, Mr. Tomberlin? You okay
9 with that?

10 MR. TOMBERLIN: Yeah, I think so.

11 HEARING OFFICER McGUIRE: Okay, I will accept it in
12 evidence. Received in evidence.

13 **(Employer's Exhibit 2 received in evidence.)**

14 MR. LAC: So that was the slot manual is Employer's
15 Exhibit 2?

16 HEARING OFFICER McGUIRE: Yes.

17 MR. LAC: Okay, thank you.

18 **DIRECT EXAMINATION (cont.)**

19 Q. BY MR. LAC: Mr. McGuire, can you turn -- well, can you
20 look at page 131 of the slot Policy & Procedure Manual?

21 A. Got it.

22 Q. Can you tell me what this policy is about?

23 A. So basically when a guest hits a jackpot, depending on
24 the dollar amount of the jackpot, there are different
25 signature levels, different duties that need to be done. For

1 instance, if a jackpot, if you look at the very bottom, is
2 over \$100,000, it lists all the signatures that are required
3 and verifiers that are required for that jackpot. As well as
4 number 7, the slot technician game chip verification, which
5 is what we call a Kobetron machine, where they take the chip
6 or the program and verify that it is accurate for that game.

7 Q. When you say -- let's back it up. So what happens if
8 there is a slot -- a jackpot of \$100,000?

9 A. There is a lot of verifiers needed according to the list
10 here, including the GSA, a cashier, slot lead, shift manager,
11 casino shift manager, and also a slot tech to verify it.

12 Q. And the slot technician's role in verifying jackpots,
13 could you please describe in detail how that happens?

14 A. Yeah. They take the program from the game and verify
15 with the Kobetron machine that verifies the signature of that
16 program to make sure it is accurate.

17 Q. Can you spell out the Kobetron, what -- provide the
18 spelling?

19 A. K-o-b-e-t-r-o-n.

20 Q. And the slot technicians carry a Kobetron device?

21 A. No, there is one Kobetron device for the department, and
22 it's stored in the tech manager's office.

23 Q. Okay. And why is it that -- why is it that this policy
24 is in place?

25 A. Just to make sure that there's no malfunction on the

1 program.

2 Q. What would be the -- what's the consequence of failure
3 to verify a jackpot?

4 A. If the program had been tampered with or is invalidated
5 or revoked, it could cost the Company money.

6 Q. At Sunset Station, what would be the consequence to a
7 slot technician if they failed to properly verify a jackpot?

8 A. They could be disciplined.

9 Q. I'm going to show you another document. I'll give you
10 time to look it over.

11 **(Employer's Exhibit 3 marked for identification.)**

12 HEARING OFFICER McGUIRE: Are you offering this in
13 evidence?

14 MR. LAC: Yes. We'd like to move to admit it into
15 evidence as Employer's Exhibit Number 3.

16 MR. TOMBERLIN: What is IGT?

17 THE WITNESS: International Gaming Technologies. It's
18 the largest slot machine manufacturer.

19 HEARING OFFICER McGUIRE: Any objection to receiving
20 this in evidence?

21 MR. TOMBERLIN: I mean I don't at this time. I'm not
22 sure what purpose it's going to be asked to be admitted for,
23 so I'll reserve.

24 HEARING OFFICER McGUIRE: Okay.

25 Q. BY MR. LAC: Mr. McGuire, could you, could you describe

1 what this document says?

2 A. Yeah, this a mandatory notice, what we call a customer
3 notification, a CN. Basically, when the manufacturer
4 discovers issues or problems with a slot machine, they'll
5 issue this with instructions on how to repair or fix the
6 issue.

7 Q. Okay. What does the -- what do you do -- as slot
8 director at Sunset Station, what would you do when you
9 receive one of these notices?

10 A. So when I receive these, I would make sure that the
11 technicians, including the slot techs, the tech manager, are
12 aware of the notice and comply with what the instructions are
13 in the notice.

14 Q. What's the -- do the slot technicians also receive this
15 notice?

16 A. Yes, they do.

17 Q. Do they get it directly from IGT or --

18 A. Yeah. Basically, IGT has e-group emails, and they email
19 these out to whoever is signed up for it. And the slot techs
20 are signed up for them too.

21 Q. Are slot techs required to be signed up?

22 A. Not required.

23 Q. At your time at Sunset Station, were all the slot techs
24 signed up for these notices?

25 A. To my knowledge, yes.

1 MR. LAC: Okay.

2 Q. BY MR. LAC: And this particular notice, could you,
3 could you describe what the -- do you see the portion here
4 where it describes a symptom?

5 A. Yeah.

6 Q. Could you describe what the -- what this, what this
7 notice is essentially saying in that portion?

8 A. Looks to me like affect the program's up-play feature,
9 like they were getting incorrect -- what they were betting is
10 an incorrect amount. It looks like they could get incorrect
11 payouts with this program.

12 Q. So there was a malfunction in the program somehow?

13 A. Yeah, in the program itself.

14 Q. And how many, how many notices would you receive about
15 similar to this?

16 A. Well, there's several different manufacturers. We'd
17 receive several a month, three or four a month.

18 Q. Is there, is there any significance to the title of the
19 document as a mandatory notice?

20 A. Yeah. Basically, whenever they send out a mandatory
21 notice, it means it's mandatory to address the issue. And in
22 this case, replacement programs had to -- the programs that
23 had to be replaced.

24 Q. Why is it, why is it -- is there a non-mandatory type of
25 notice?

1 A. Some of them are advisories that would just say, hey,
2 there's some issues here, but it doesn't really affect the
3 payout of the game; you can choose to address them or not.

4 Q. So a mandatory notice is a --

5 A. Yeah, you must replace.

6 Q. -- something you need to take action on?

7 A. Yes, correct.

8 HEARING OFFICER MCGUIRE: When this mandatory notice
9 came out, you said it's that the program must be replaced?

10 THE WITNESS: Correct.

11 HEARING OFFICER MCGUIRE: So would they send out the new
12 program?

13 THE WITNESS: They would.

14 HEARING OFFICER MCGUIRE: Immediately or with the
15 notice?

16 THE WITNESS: So what would happen is the slot tech
17 would take a count of how many of these programs are active
18 on the floor and communicate with IGT and ask for the
19 replacement software according to how many we need.

20 HEARING OFFICER MCGUIRE: When you received this and
21 found that it was -- there was a problem, would you shut down
22 the machine?

23 THE WITNESS: Only if it tells you to, the games must be
24 shut down. So in this case, I don't think we did.

25 HEARING OFFICER MCGUIRE: Mr. Lac?

1 HEARING OFFICER McGUIRE: Please do so.

2 Q. BY MR. LAC: Mr. McGuire, as slot director at Sunset
3 Station, did you oversee -- did you ever oversee the
4 installation of new slot machines?

5 A. In a general sense, yes.

6 Q. What are the slot duties -- slot tech's duties with
7 respect to new slot machines?

8 A. So their duty would be to move the machines to the
9 location that they are going to be installed at, to put them
10 in the location, to hook them up, to program, to make sure
11 that the settings that are appropriately set according to our
12 format, and to make sure that that way the payouts are
13 correct and everything functions the way it's supposed to.

14 Q. When you say setting the format to make sure the payouts
15 are correct, what do you mean by that?

16 A. Well, there are certain things that can be set. For
17 instance, you've got to make sure that the denoms are set
18 correctly so that when you put a \$1 bill in, that it gives
19 you \$1 in credits. If you set that incorrectly -- you can
20 set it to put a \$1 bill in, and it can give you \$100 in
21 credits. So you've got to make sure those are set up.
22 You've got to make sure that the return percentage is set up
23 correctly. If you want to set that game to be a 90 percent
24 return game, that that's what they set it at, the 90 percent
25 return game.

1 Q. What would be the consequence of a slot technician
2 failing to correctly set?

3 A. If those settings are set wrong, it could be a
4 significant amount of money, a loss to the Company.

5 Q. Have you -- at Sunset Station have you ever encountered
6 slot machines being set up incorrectly?

7 A. No.

8 Q. In any way?

9 A. No.

10 HEARING OFFICER MCGUIRE: Never?

11 THE WITNESS: No, not at -- not at Sunset.

12 Q. BY MR. LAC: Mr. McGuire, can I ask you some questions
13 about loss reports. Are you familiar what those are?

14 MR. TOMBERLIN: This is again leading. Every time you
15 start a new topic, you tell him what you want him to testify
16 about, and that's completely inappropriate.

17 MR. LAC: I'm only asking as to the existence of loss
18 reports, if he's ever --

19 HEARING OFFICER MCGUIRE: Just state a question without
20 leading.

21 Q. BY MR. LAC: Mr. McGuire, did your -- as part of your
22 duties as slot director, did you ever receive reports
23 regarding losses suffered -- losses by machines, slot
24 machines?

25 A. Yes.

1 Q. What did you do -- where does the information come from?

2 A. Basically, the system can track the daily win/loss of
3 slot machines, and they -- corporate has a report that's
4 issued out called the 4-day losing report that keeps track of
5 any slot machines that has lost money 4 days in a row. And
6 they are compiled by property and sent out to the properties.

7 Q. Why is it that the -- why is it that the casino keeps
8 track of these?

9 A. Well, if there is some machine is set up incorrectly and
10 somebody is taking advantage of the machine, we can see if a
11 game is losing money 4 days in a row. And we can go
12 investigate and make sure the machine is set up correctly.

13 Q. When you say -- what is the slot technician's role upon
14 receiving one of these reports?

15 A. So daily a tech would take that report and go out to the
16 floor and verify game by game that they are set up correctly
17 and that they are functioning correctly.

18 Q. Who actually receives these loss reports? Which hourly
19 employees are --

20 A. Slot techs will receive it, yes.

21 HEARING OFFICER McGUIRE: Do they receive it directly
22 from -- well, where are they coming from?

23 THE WITNESS: They come from corporate, but they are
24 auto-generated reports that come from the system. I'm not
25 sure if they receive it directly or if it comes through their

1 MR. TOMBERLIN: No.

2 HEARING OFFICER MCGUIRE: Employer Exhibit 4 is
3 received.

4 **(Employer's Exhibit 4 received in evidence.)**

5 Q. BY MR. LAC: I think you stated earlier, but again,
6 which employees actually receive this report?

7 A. So looking at the second page, the -- it looks like tech
8 managers and slot directors and operations managers are the
9 ones that actually receive this report.

10 Q. Do slot technicians receive this report?

11 A. Not directly. They would receive it either from myself
12 or from the tech manager.

13 Q. And upon receiving this report, what would, what would a
14 slot technician do?

15 A. Whoever is on duty at the time would investigate game by
16 game, go to each one of these games and makes sure that
17 they're functioning the way they're supposed to be
18 functioning. They're taking bills, printing tickets,
19 crediting the right amount of credits, everything to make
20 sure the machine is functioning correctly.

21 Q. How frequently are these reports generated?

22 A. Daily.

23 Q. Daily. So this -- now is there a -- one more question
24 on this one. Do GSAs get this account, the guest service
25 ambassadors?

1 A. No. No, they do not.

2 Q. Why is that?

3 A. They wouldn't have the access to the information to
4 verify that they are set up correctly, the setup sheets that
5 they're supposed to be set up as. That's not their job
6 function. The GSAs pay the jackpots, do change, help the
7 guests out, where the slot technicians are the ones that are
8 verifying the setups of the games in order to protect the
9 Company.

10 HEARING OFFICER McGUIRE: So guest service ambassadors
11 are what we used to call the change people --

12 THE WITNESS: Yeah.

13 HEARING OFFICER McGUIRE: -- that would go around and --

14 THE WITNESS: Yes. That also includes paying jackpots
15 now too. Back 20 years ago --

16 HEARING OFFICER McGUIRE: They give change, yeah.

17 THE WITNESS: -- there were change people, and then
18 there were people that paid jackpots. They've combined the
19 roles into one now.

20 HEARING OFFICER McGUIRE: Is that all they do?

21 THE WITNESS: So they have a lot of functions. So they
22 can make change, answer change lights, watch machines for
23 guests. They can be the go-between between them and a
24 cocktail waitress, or IM with internal maintenance for the
25 cleanliness of the slot machine. Basically, they're an

1 HEARING OFFICER MCGUIRE: Two, the slot manual.

2 MR. LAC: Um-hum.

3 HEARING OFFICER MCGUIRE: Sunset Station slot manual.

4 MR. LAC: Sunset Station slot manual.

5 HEARING OFFICER MCGUIRE: Just a moment.

6 **(Employer's Exhibit 5 marked for identification.)**

7 HEARING OFFICER MCGUIRE: Any objection?

8 MR. TOMBERLIN: I don't see the relevance in the fact
9 that Nevada has state laws that apply to people. That's my
10 only objection.

11 HEARING OFFICER MCGUIRE: Okay. I will accept this.
12 And please state the questions, not leading questions.

13 MR. LAC: Okay.

14 **(Employer's Exhibit 5 received in evidence.)**

15 Q. BY MR. LAC: Mr. McGuire, can you explain what this
16 policy is regarding?

17 A. Yeah, it's a --

18 MR. TOMBERLIN: Which page are we at?

19 MR. LAC: At 150 of the slot manual.

20 THE WITNESS: So this policy is just making sure that
21 the team member is aware of the state law about sharing
22 information with a guest regarding the specific slot machine
23 performance.

24 Q. BY MR. LAC: And when you say information regarding a
25 slot machine performance, would that include loss reports

1 that we just looked at?

2 A. Yes.

3 Q. And so under this policy, what would the slot
4 technician's obligation be with regard to --

5 A. Well, it would be against policy for them to share that
6 information with any guest.

7 Q. And why is that?

8 A. Because then the guest would know insider information on
9 the performance of a slot machine.

10 Q. And what would a guest do with that information?

11 A. They maybe --

12 MR. TOMBERLIN: Objection, calls for specification.

13 HEARING OFFICER McGUIRE: Yes. You can restate your
14 question.

15 Q. BY MR. LAC: Would there be any consequences to the
16 casino if such information was shared with a guest?

17 A. Well, the guest would then know if a game is continually
18 losing money and maybe they would go play that game, which
19 would cost the Company further more money.

20 Q. Okay. And can we -- let's talk about the slot machine,
21 the slot machines generally. Have you ever encountered any
22 like physical issues with the machines?

23 A. We have issues where a game, like if a power outage or a
24 system outage where slot machines could black out, lose
25 memory, malfunction, yes, we've had issues.

1 MR. TOMBERLIN: Is this, is this things that have
2 happened at Sunset Station?

3 THE WITNESS: Yes.

4 MR. LAC: Have any guests ever tried to physically --

5 MR. TOMBERLIN: Objection, leading.

6 HEARING OFFICER McGUIRE: Please state your question in
7 relation to Sunset Station and without leading.

8 Q. BY MR. LAC: Okay. At Sunset Station, have any slot
9 machines ever been -- okay, that's it. Do the slot machine
10 have -- are they physically enclosed in some kind of --

11 A. So slot machines do have locked doors on them, so they
12 are locked and secured, yes, at Sunset Station.

13 Q. Has there ever been an issue about regarding the locks
14 on slot machines at Sunset Station?

15 A. So at Sunset Station, no. I've never seen any issues
16 with them. There are specific locks and keys that are kept
17 in a KeyWatcher machine that certain -- that restricts access
18 to certain groups of people. For instance, the machine door
19 keys would be -- you could, if you were a GSA, a supervisor,
20 a shift manager, or slot tech, you would have access to
21 machine door keys. But then there are other locks farther
22 inside the machine, including CPU locks and cash can locks,
23 that only certain groups of people would access.

24 Q. With respect to the CPU lock, who has access? Who has
25 the key to that?

1 A. That would be the slot tech side, so that would be the
2 tech manager, tech supervisor, slot techs, and supervisors
3 and shift managers would have access to that key.

4 Q. Do GSAs have access to those, too?

5 A. No, they do not.

6 Q. Why is that?

7 A. They don't -- that's not their job function.

8 Q. What other keys do slot techs have access to?

9 A. There are reset keys, diagnostic keys that they also
10 have, cash can keys.

11 Q. What's a -- what's a cash can key?

12 A. That's where after a bill or a ticket is validated, it
13 gets deposited into a can that's inside the slot machine and
14 stored.

15 HEARING OFFICER McGUIRE: Tickets and --

16 THE WITNESS: And cash and currency.

17 HEARING OFFICER McGUIRE: -- cash go together?

18 THE WITNESS: Yes.

19 Q. BY MR. LAC: You mentioned a cash can in the machine.

20 How much money is generally kept in that cash can?

21 A. Well, it depends on the denominations of the bills and
22 tickets, but most cash cans will fit 600 notes inside of it.

23 Q. Okay.

24 MR. LAC: And I have finally -- that's the last one,
25 right? Okay. I have one more exhibit that we want to admit

1 to the record. This is a part of Exhibit 2, the Sunset
2 Station Slot Department Policy & Procedure Manual, page 125.

3 MR. TOMBERLIN: I would ask for time to review it.

4 HEARING OFFICER McGUIRE: Yes.

5 MR. TOMBERLIN: I'm ready.

6 HEARING OFFICER McGUIRE: You may continue, Mr. Lac.

7 **(Employer's Exhibit 6 marked for identification.)**

8 Q. BY MR. LAC: Mr. McGuire, are you -- do you recognize
9 this document here?

10 A. I do.

11 Q. What is this?

12 A. It's a Key Issuance and Control policy.

13 Q. This is part of the slot department manual?

14 A. It is, correct.

15 Q. At Sunset Station?

16 A. Yes.

17 Q. When you were slot director, you were familiar with this
18 policy?

19 A. I was.

20 Q. This slot policy?

21 A. Yes.

22 Q. What does this policy generally describe with respect to
23 team members' responsibilities as to keys?

24 A. That's exactly what it describes. It basically
25 describes the policy with regards to who is responsible for

1 keys after they are checked out and making sure they're
2 returned at the end of their shift and whatever the
3 discipline would be if that fails to happen.

4 Q. What kind of, what kind of situations would warrant
5 discipline?

6 A. If somebody loses their keys or loses a key off of their
7 key ring that's a secure key, like a slot machine door key,
8 it describes the discipline involved if that gets lost.

9 Q. And what's the consequence to Sunset Station if a key is
10 lost?

11 A. If a key is lost, then it could then be counterfeited or
12 copied, and it could be significant loss to the Company.
13 Even if they caught it quick enough and then rekeyed the
14 entire casino floor, that's in the tens of thousands of
15 dollars cost.

16 Q. What would be the consequence to the slot technician who
17 lost his or her key?

18 A. They could be terminated.

19 MR. LAC: All right, that's it. That's it for this one,
20 this exhibit. I'd like to move it into the record as
21 Employer's Exhibit Number 6.

22 HEARING OFFICER MCGUIRE: Six. Any objection?

23 MR. TOMBERLIN: No. I would just note that that is
24 page 125, and it's part of the broader Policy & Procedure
25 Manual.

1 call upon the slot techs to verify.

2 Q. Okay. Does Sunset Station have any rules or policies
3 against underage gaming?

4 A. Yes, they do.

5 Q. What's the policy?

6 A. The policy is that all team members are to be actively
7 looking for anyone that's underage and acting unlawfully.

8 HEARING OFFICER McGUIRE: Excuse me. You said all team
9 members?

10 THE WITNESS: All team members.

11 HEARING OFFICER McGUIRE: All supervisors?

12 THE WITNESS: Everybody.

13 HEARING OFFICER McGUIRE: Everybody?

14 THE WITNESS: Correct.

15 HEARING OFFICER McGUIRE: In every department?

16 THE WITNESS: In every department. But it affects
17 mostly people that are actually on the casino floor. So if
18 you don't work on the casino floor, then you wouldn't have,
19 you know --

20 HEARING OFFICER McGUIRE: So the guests in attendance --

21 THE WITNESS: Right.

22 HEARING OFFICER McGUIRE: -- are not required to do
23 that?

24 THE WITNESS: No, no.

25 HEARING OFFICER McGUIRE: So it's only the employees who

1 work on the --

2 THE WITNESS: It's employees that work on the casino
3 floor, yes.

4 HEARING OFFICER McGUIRE: Okay.

5 THE WITNESS: That's part of their daily job.

6 Q. BY MR. LAC: And the slot techs, do they have
7 responsibilities with respect to --

8 A. They would be included in that, yes.

9 Q. What would that -- what would generally their
10 responsibilities be?

11 A. Well, as slot techs work mostly on the casino floor in
12 the slot machines, they are directly right there in the thick
13 of the -- thick of things you'd say. And they are like
14 inches, feet away from everyone that's gambling, so they have
15 a need to have a heightened awareness and be watching for
16 that.

17 HEARING OFFICER McGUIRE: Okay. Let me ask you first
18 back to all employees on the casino floor, can you name some
19 of the other employees who are --

20 THE WITNESS: Yeah, let's see here.

21 HEARING OFFICER McGUIRE: Who have the same
22 responsibility to do that?

23 THE WITNESS: Yeah.

24 HEARING OFFICER McGUIRE: Cocktail waitresses?

25 THE WITNESS: Cocktail waitresses, yep. Internal

1 maintenance that are maintaining the slot machines, cleaning
2 the slot machines. I think security obviously.

3 HEARING OFFICER McGUIRE: How about dealers?

4 THE WITNESS: Dealers are not in a position really to
5 watch the casino floor because they're focused on their
6 tables so -- I can't think of any others right now.
7 Supervisors, shift managers obviously. Anyone that's on the
8 executive team, when they're walking the floor.

9 MR. TOMBERLIN: What about the security department?

10 THE WITNESS: Yes.

11 HEARING OFFICER McGUIRE: Are all employees taught or
12 instructed what to do if they suspect --

13 THE WITNESS: Yeah.

14 HEARING OFFICER McGUIRE: -- underage gambling?

15 THE WITNESS: Yeah. They're told that if they feel that
16 they see somebody that may be underage, they're to contact
17 either security or somebody on the slot team to approach the
18 person and validate ID.

19 HEARING OFFICER McGUIRE: Okay. Who is it would be on
20 the slot team?

21 THE WITNESS: It could be a supervisor would be --
22 probably would be the first contact would be a supervisor or
23 shift manager.

24 HEARING OFFICER McGUIRE: I want to know who is it, when
25 you say slot team --

1 THE WITNESS: Yeah, yeah.

2 HEARING OFFICER McGUIRE: -- what employees are on the
3 slot team?

4 THE WITNESS: So that would be slot techs, slot GSAs,
5 slot utility techs, I said GSAs, guest service supervisor,
6 shift managers, and myself. I've had at Sunset people
7 approach me and tell me I think that they may be underage.

8 HEARING OFFICER McGUIRE: Thank you.

9 THE WITNESS: Yes.

10 Q. BY MR. LAC: What's the significance of the Company's
11 rule against underage gambling?

12 A. Well, obviously it's against the law, and it could have
13 financial impact and even cost a casino the gaming license if
14 they allow, if they allow underage gaming.

15 Q. Okay. Does Sunset Station also have rules and policies
16 against underage drinking?

17 A. Yeah, similar to underage gambling, same policy.

18 Q. What are a slot technician's responsibilities regarding
19 that?

20 A. Again, if they, if they're on the floor, amongst the
21 slot machines, if they see somebody that is drinking and they
22 feel they may be underage, same responsibility. They can,
23 they can approach the guest and card them. And if they're
24 not comfortable with that, they can have a supervisor do it.

25 HEARING OFFICER McGUIRE: They can approach the guest?

1 THE WITNESS: Sure.

2 HEARING OFFICER McGUIRE: And card them.

3 THE WITNESS: They can.

4 HEARING OFFICER McGUIRE: They can directly --

5 THE WITNESS: I don't know that it regularly happens,
6 but they can.

7 HEARING OFFICER McGUIRE: The slot technicians can card
8 the guest?

9 THE WITNESS: Yes.

10 HEARING OFFICER McGUIRE: Can GSAs do --

11 THE WITNESS: Yes, they can too.

12 HEARING OFFICER McGUIRE: Can anyone on the slot team
13 card the guest?

14 THE WITNESS: Yes, correct.

15 HEARING OFFICER McGUIRE: Okay.

16 Q. BY MR. LAC: Are slot technicians, do they receive any
17 information on individuals who are not permitted on the
18 premises?

19 A. Yeah. We have a banned patron list that is available
20 for all team members that's kept in locations around the
21 casino.

22 Q. Why would, why would you provide that to a slot
23 technician?

24 A. Because they --

25 HEARING OFFICER McGUIRE: State a question because

1 it's --

2 Q. BY MR. LAC: Okay. Why are slot technicians provided
3 with that banned patron list?

4 A. All team members must be provided with the -- or know
5 where it's at, have access to the banned patron list,
6 including slot techs.

7 Q. Okay. And does Sunset Station have a policy regarding
8 gambling by team members?

9 A. We do.

10 Q. What does that policy say?

11 A. The policy just breaks down by position who is allowed
12 and who is not allowed to gamble.

13 Q. Are slot technicians allowed to gamble on Sunset
14 Station?

15 A. No, they're not allowed to gamble at Sunset Station.

16 Q. What about other -- at other Station Casino properties?

17 MR. TOMBERLIN: Objection.

18 HEARING OFFICER McGUIRE: Let's just confine it to
19 Sunset Station.

20 Q. BY MR. LAC: And why -- what is the purpose behind that
21 rule?

22 A. Well, the biggest purpose is just the security of the
23 slot machines because they have access to machine data,
24 machine setups, and it's just safer to keep everyone safe and
25 keep the Company secure, financially secure, and for them not

1 to have access and not to game.

2 HEARING OFFICER McGUIRE: Okay. I'm going to ask a few
3 questions on this.

4 THE WITNESS: Sure.

5 HEARING OFFICER McGUIRE: So are there any -- you
6 mentioned that there were other classifications who are
7 prohibited from gambling.

8 THE WITNESS: Yes.

9 HEARING OFFICER McGUIRE: Can you tell me what those
10 classifications are?

11 THE WITNESS: Off the top of my head --

12 HEARING OFFICER McGUIRE: At Sunset Station.

13 THE WITNESS: Yeah, at Sunset Station. Anyone that's in
14 a key, they call key position, which would be executive team
15 and above, are not allowed to game. Slot techs, tech
16 manager, TPS are not allowed to game.

17 HEARING OFFICER McGUIRE: What's TPS?

18 THE WITNESS: Tech project supervisor. That's the tech
19 supervisor.

20 HEARING OFFICER McGUIRE: Okay. And is that -- are they
21 only prohibited from gambling at Sunset Station?

22 THE WITNESS: No, from any Station casino.

23 HEARING OFFICER McGUIRE: Any Station casino.

24 THE WITNESS: Correct.

25 HEARING OFFICER McGUIRE: Okay, I'm going to hold up.

1 Go ahead.

2 Q. BY MR. LAC: Are there any other employees who are --
3 hourly employees who are permitted to gamble?

4 A. Yeah, most -- in fact other than slot techs, I think
5 they are all allowed, hourly employees are allowed to gamble.
6 It just has to be 30 minutes before or after their shift and
7 out of uniform.

8 Q. And what are some of those?

9 A. GRAs, guest room attendants; cage cashiers; GSAs.
10 They're all allowed to gamble.

11 Q. What about table game stewards, are they allowed to
12 gamble?

13 A. Yes.

14 HEARING OFFICER McGUIRE: Are security officers allowed
15 to gamble?

16 THE WITNESS: Oh, that's a good question. I am not
17 sure.

18 Q. BY MR. LAC: Is there a reason why the, why the
19 difference in the policy with respect to slot technicians
20 then?

21 A. Yeah, like I said -- stated before, they have
22 information on the way the games and have access to change
23 the way the games are setup, or have access to performance of
24 slot machines.

25 Q. What would be the consequence to the Company if slot

1 technicians were allowed to gamble?

2 A. It just opens you up to the ability for someone to set
3 up a game to have it -- set up a game to pay out more than
4 it's supposed to or to change the settings so there would be
5 a financial consequence to the Company.

6 MR. LAC: Okay. I don't have any questions about this
7 exhibit, but I'd like to admit it.

8 HEARING OFFICER McGUIRE: Before you do, let me just go
9 back while we're close here to the underage drinking.

10 THE WITNESS: Okay.

11 HEARING OFFICER McGUIRE: You said it was anyone who
12 worked on the slot floor.

13 THE WITNESS: Yeah, anyone that's on the floor, yes.

14 HEARING OFFICER McGUIRE: On the floor. So that's --
15 would that be all the supervisors?

16 THE WITNESS: Yes.

17 HEARING OFFICER McGUIRE: Slot techs.

18 THE WITNESS: It would be slot supervisors.

19 HEARING OFFICER McGUIRE: GSAs.

20 THE WITNESS: GSAs, yep.

21 HEARING OFFICER McGUIRE: Cocktail waitresses?

22 THE WITNESS: Cocktail waitresses, bartenders, barbacks,
23 security.

24 HEARING OFFICER McGUIRE: Security, okay. And who of
25 those, or which of those classifications has the authority to

1 time as slot director at Sunset Station?

2 A. Yes.

3 Q. Is it -- is the job description similar to the slot
4 technician currently -- currently applicable to slot
5 technicians at your current employer?

6 A. Yes.

7 Q. Current place of employment?

8 A. Yes.

9 HEARING OFFICER McGUIRE: Can you say that again,
10 please.

11 Q. BY MR. LAC: Is the job description for the slot
12 technician here the same as the job description applicable to
13 the slot technicians at your current property?

14 A. Yes.

15 HEARING OFFICER McGUIRE: And that current property
16 again?

17 THE WITNESS: Santa Fe.

18 HEARING OFFICER McGUIRE: Thank you.

19 Q. BY MR. LAC: Do you know if Station Casinos -- do you
20 know if the job description has changed at all --

21 A. No.

22 Q. -- in the time you've worked at Station?

23 A. No. This has been the same. This was updated June
24 2008. It's been the same job description up until current.

25 Q. Okay. And can you turn your attention to Employer's

1 Exhibit Number 8, the job description for utility
2 technicians.

3 A. Yes.

4 Q. Is this a true and correct copy of that, of the utility
5 technician job description over at Sunset Station during your
6 time as slot director?

7 A. Yes.

8 Q. What about at your current place of employment?

9 A. Yes, at Santa Fe as well.

10 HEARING OFFICER McGUIRE: And that's Santa Fe Station?

11 THE WITNESS: Correct.

12 MR. LAC: Okay. No other questions on this. I would
13 like to admit it to the record, evidence into the record.

14 HEARING OFFICER McGUIRE: Any objection other than
15 previously stated?

16 MR. TOMBERLIN: None.

17 HEARING OFFICER McGUIRE: Okay. Exhibits -- Employer
18 Exhibit 7 and 8 are received.

19 **(Employer's Exhibits 7 and 8 received in evidence.)**

20 MR. LAC: That's all the questioning we had.

21 HEARING OFFICER McGUIRE: Okay.

22 MR. TOMBERLIN: Can we have a brief recess?

23 HEARING OFFICER McGUIRE: Yes.

24 **We're going to go off the record.**

25 **(Off the record from 12:00 p.m. to 12:15 p.m.)**

1 A. No.

2 Q. No, you never did?

3 A. No, I did not experience any security issues.

4 Q. I'm going to refer to page 9 of Employer's Exhibit 2.

5 A. Okay.

6 Q. And that is the slot department organizational chart.

7 A. Okay.

8 Q. Do you recognize this?

9 A. I do.

10 Q. And you're at the top of it?

11 A. I am.

12 Q. All right. We're here today. We're talking about
13 utility technicians and slot technicians, correct?

14 A. Correct.

15 Q. And they are supervised by a tech project supervisor.

16 A. Yes.

17 Q. Okay. Who on this list is on that policy that makes
18 them unable to gamble in any Palace property?

19 A. Who is on this list that cannot gamble at any Palace?
20 It would be on the tech side. From me down on the tech side
21 cannot gamble at any Stations property.

22 Q. Slot operations manager can?

23 A. That's, yeah, that's on the operations side. They can.

24 Q. That individual would be able to?

25 A. Yes, as far as I can recall, yes.

Exhibit D

Battista, Mike

From: Ysita, Jorge
Sent: Monday, July 02, 2018 12:20 PM
To: Group - Sunset - Slot Techs
Cc: Clark, Keith
Subject: Previous Day BV Rejects 7-1-18

MFR	Cabinet Type	Denom	Machine	Location	Rejects	Accept Percent	Comments
IGT	IGT 19" SLANT	0.01	101565	060604	11	54%	
IGT	IGT 19" SLANT	0.05	207795	087603	8	73%	
ARISTOCRAT	ATI ARC	0.01	109325	023106	7	84%	
WILLIAMS	WMS BLADE UR	0.01	109911	030401	7	68%	
ARISTOCRAT	ATI CROWN SLANT	0.01	109609	041606	6	85%	
ARISTOCRAT	ATI VIRIDIAN WS UR	0.01	109516	052402	6	82%	
BALLY	BLY S-6000	1	402582	035605	6	63%	
IGT	IGT 13" BAR TOP	0.05	207964	040016	6	60%	
IGT	IGT 17" SLANT	0.01	107570	048808	6	81%	
IGT	IGT 19" SLANT	0.01	207580	087802	6	83%	

Jorge Ysita | Slot Shift Manager
Sunset Station Hotel | Casino
1301 W. Sunset Rd | Henderson, Nevada 89014
Tel 702.547.7777 Direct 702.755.5069
Jorge.Ysita@stationcasinos.com

WE♥LOCALS™

relax, enjoy the sunset > SunsetStation.com

Battista, Mike

From: Reyes, Recardo
Sent: Monday, July 02, 2018 3:12 PM
To: Group - Sunset - Slot Techs
Subject: BV list 7/2/18

MFR	Cabinet Type	Denom	Machine	Location	Rejects	Accept Percent	Comments
IGT	IGT 19" SLANT	0.01	101565	060604	11	54%	Bill and ticket tested good
IGT	IGT 19" SLANT	0.05	207795	087603	8	73%	Bill and ticket tested good
ARISTOCRAT	ATI ARC	0.01	109325	023106	7	84%	Bill and ticket tested good
WILLIAMS	WMS BLADE UR	0.01	109911	030401	7	68%	Bill and ticket tested good
ARISTOCRAT	ATI CROWN SLANT	0.01	109609	041606	6	85%	Bill and ticket tested good
ARISTOCRAT	ATI VIRIDIAN WS UR	0.01	109516	052402	6	82%	Bill and ticket tested good
BALLY	BLY S-6000	1	402582	035605	6	63%	In play
IGT	IGT 13" BAR TOP	0.05	207964	040016	6	60%	Bill and ticket tested good
IGT	IGT 17" SLANT	0.01	107570	048808	6	81%	Bill and ticket tested good
IGT	IGT 19" SLANT	0.01	207580	087802	6	83%	Bill and ticket tested good

Ricky Reyes- Slot Technician
Sunset Station Hotel and Casino
1301 West Sunset Road
Henderson, NV 89014
Phone: (702)547-7777 Ext#7017
E-mail: Recardo.reyes@stationcasinos.com

Slot Department Policy 5.1

Signatures

Effective: December 11, 2006

Effective at 12:01AM Thursday August 31st 2007 all Slot GSA's will now process all computerized taxable jackpots up to \$5,000.00. The GSA will be responsible for completing the W2-G form and will process the entire transaction at the JP workstation without a Lead or above having to swipe their card and enter a password. Our signature requirements will remain the same the only thing that is changing is the system authorization levels. This should speed up our computerized taxable JP turnaround time. A lead or above should be called to the game when the GSA starts to process the JP this way the lead is there ready to verify the transaction and sign the ticket. Please note that the lead or above will still be required to insert their witness card in the machine to complete the transaction and will still be responsible that the transaction paperwork including the W2-G is correctly filled out. Below are our current signature requirements for your reference.

Required signatures for computerized Jackpots/CCO's:

Ticket Amount:	# of Signatures:	Signatures required:
\$1 – \$1,199.99	2	1. GSA Initiator, 2. GSA Cashier or Cage Cashier. (Sign as Cashier and Initiator when doing Pouch/Bank Pays).
\$1,200 - \$9,999.99	3	1. GSA Initiator, 2. GSA Cashier or Cage Cashier. (Sign as Cashier and Initiator when doing Pouch/Bank Pays). 3. Slot Lead or above
\$10,000 - \$49,999.99	4	1. GSA Initiator, 2. GSA Cashier or Cage Cashier. (Sign as Cashier and Initiator when doing Pouch/Bank Pays). 3. Second Verifier, 4. Slot Lead or above.
\$50,000 - \$99,999.99	5	1. GSA Initiator, 2. GSA Cashier or Cage Cashier. (Sign as Cashier and Initiator when doing Pouch/Bank Pays). 3. Second Verifier, 4. Slot Lead or above, 5. Casino Shift Manager or Above
\$100,000 and over	7	1. GSA Initiator, 2. GSA Cashier or Cage Cashier. (Sign as Cashier and Initiator when doing Bank Pays). 3. Second Verifier, 4. Slot Lead, 5. Shift Manager or above, 6. Casino Shift Manager or above, 7. Slot Technician after game chip verification. (Polaroid Picture – Property Option)

Required signatures for Manual Jackpots/CCO's:

Ticket Amount:	# of Signatures:	Signatures required:
Up to \$99.99	3	1. GSA Initiator, 2. GSA Cashier, Cage Cashier, or Initiator if using Pouch Pay, 3. Designated Verifier. Anyone with access to Manual Forms <u>cannot</u> be Designated Verifier.
\$100 – \$4,999.99	4	1. GSA Initiator, 2. GSA Cashier, Cage Cashier, or Initiator if using Pouch Pay, 3. Designated Verifier, 4. Slot Lead. Anyone with access to Manual Forms <u>cannot</u> be Designated Verifier.
\$5,000 - \$24,999.99	5	1. GSA Initiator, 2. GSA Cashier, Cage Cashier, or Initiator if using Bank Pay 3. Designated Verifier, 4. Slot Lead, 5. Shift Manager. Anyone with access to Manual Forms <u>cannot</u> be Designated Verifier.
\$25,000 - \$99,999.99	6	1. GSA Initiator, 2. GSA Cashier, Cage Cashier, or Initiator if using Bank Pay 3. Designated Verifier, 4. Slot Lead, 5. Shift Manager, 6. Casino Shift Manager. (Polaroid Picture – Property Option)
\$100,000 and over	7	1. GSA Initiator, 2. GSA Cashier or Cage Cashier, 3. Designated Verifier, 4. Slot Lead or above, 5. Shift Manager or above, 6. Casino Shift Manager or above, 7. Slot Technician after Kobetron verification. (Polaroid Picture – Property Option)

Witness Requirements

Internal Controls and Gaming Regulation Standards flag the following situations in the system as violation of witness card requirements. Witness card violations include:

- **Failure to have a witness at a jackpot**
- **Failure to have your witness insert their card on taxable jackpots**
- **Completing a fill without having a witness present.**

We simply have to be able to prove that there were two people at the machine at the time of the transaction so on all of the transactions described above, it is the witness's responsibility to make sure that he/she inserts the Acres card regardless of whether or not the machine prompts you for a witness card.

The process for reviewing the "witness card violation" reports will be as follows:

Daily a report is reviewed to verify compliance with the above gaming regulations. If you make a mistake, you must do the following to rectify the situation:

- Should you make a mistake with your witness card, you must insert your card in the game and it will show in the "machine events" that you did witness the transaction.

The following disciplinary action will be taken for witness card violations:

- A "Note to File" will be issued to the transaction witness for the violation.
- The Team Member will sign the note to file as acknowledgement that they have been warned.
- Every three (3) "Note to files" in a rolling 90-day period will result in one progressive discipline step for Job Performance.
- Note: There must be a witness signature on the ticket in accounting or the initiator will automatically progress one discipline level in the job performance category in accordance with the Signatory requirements mentioned above in this policy.

SIGNATORY STANDARDS

1. It is essential that all Team Members understand that they must not sign a document unless they have personally witnessed the transaction.
2. A Shift Manger and Lead must sign a Jackpot/CCO ticket generated as an override. The Shift Manager and Lead must be notified for approval and verification prior to completing the transaction.
3. A VOID transaction must be signed by a Lead and Service Ambassador. Both Team Members must sign the original ticket as well as the voided ticket.
4. Surveillance must be notified on all Jackpots \$10,000 and over.



CN: 5071 Rev: B_M

MANDATORY NOTICE

MANDATORY SOFTWARE CUSTOMER NOTIFICATION

SUBJECT: ~~Ultimate X Poker Minimum Bet Configuration~~ DATE: 17 Jun 2014
PRODUCT: AVP GAME TYPE: Ultimate X Poker

SYMPTOM:

IGT has become aware of an issue with AVP Ultimate X Poker programs. The affected programs have a play feature which includes a bonus bet that is only available when playing the maximum hand bet. The appropriate value for the minimum bet setting, if enabled, is either a value less than or equal to the maximum hand bet or equal to the maximum game bet (maximum hand bet plus the bonus bet). When the minimum bet for a payable and denomination was set to a value between the maximum hand bet and the maximum game bet, the game pays may not have corresponded to the amount wagered.

SOLUTION:

Until replacement programs are available, IGT suggests using one of the following workarounds:

- 1) If the minimum bet feature is not needed, disable the Minimum Bet by setting the minimum bet for each denomination to zero. Use eKey000005, or its upgrade, and touch Setup, Game, Theme Specific, Ultimate X Poker, and Minimum Bet. Select each denomination in the list in turn, and enter 0.00 for the desired minimum bet.
- 2) If the minimum bet feature is desired, enable the Minimum Bet by setting the minimum bet for each desired denomination to a value less than or equal to the maximum hand bet, or equal to the maximum game bet. Use eKey000005, or its upgrade, and touch Setup, Game, Theme Specific, Ultimate X Poker, and Minimum Bet. Select each denomination in the list in turn, and enter the desired valid minimum bet.

Denomination	Valid Settings for Enabled Minimum Bet		
	<i>Triple-Play</i>	<i>Five-Play</i>	<i>Ten-Play</i>
0.01	0.01 - 0.15, or 0.30	0.01 - 0.25, or 0.50	0.01 - 0.50, or 1.00
0.05	0.05 - 0.75, or 1.50	0.05 - 1.25, or 2.50	0.05 - 2.50, or 5.00
0.10	0.10 - 1.50, or 3.00	0.10 - 2.50, or 5.00	0.10 - 5.00, or 10.00
0.25	0.25 - 3.75, or 7.50	0.25 - 6.25, or 12.50	0.25 - 12.50, or 25.00
1.00	1.00 - 15.00, or 30.00	1.00 - 25.00, or 50.00	1.00 - 50.00, or 100.00
<i>Any denomination D</i>	<i>D - 15×D, or 30×D</i>	<i>D - 25×D, or 50×D</i>	<i>D - 50×D, or 100×D</i>

PROGRAM	AREA(S)
GAME014-001W81-D01	AZI, CAI, CO, FL, FLI, IA, IL, IN, KSI, KSL, LA, LAI, MD, MII, MS, NJ, NMI, NV, OH, OKI, WII
Installation Media: GI014-001W81-D001	
GAME014-001W81-D03	ARK, AZI, CAI, CO, CRUIS, CTI, DEL, FL, FLI, IA, IL, IN, KSI, KSL, LA, LAI, MD, MI, MII, MO, MS, NCI, NJ, NMI, NMT, NV, NYI, NYION, OH, OK, OKI, ONT, ORI, PEN, WII, WVL
Installation Media: GI014-001W81-D003	
GI014-001W81-D003V02	CAI, CTI, IA, IN, KSL, LA, LAI, MD, MI, MII, MO, MS, NJ, NMI, NV, NYI, OKI, ORI, PEN, WII
GAME014-001W81-D04	MNI
Installation Media: GI014-001W81-D004	
GAME014-001W81-D05	ECAPE, ESTAP, FREST, GAUT, KWAZ, LATAP, LIMPR, NCAPE, NWPRO, SAPI*, SLO, WCAPE
Installation Media: GI014-001W81-D005	
GI014-001W81-D005V02	ECAPE, ESTAP, FREST, GAUT, KWAZ, LATAP, LIMPR, NCAPE, NWPRO, SAPI*, WCAPE

*SAPI represents the following areas: ALBAN, AO, ARM, ARUBI, AUS, BELI, BEN, BIH, BUENO, BURK, BURU, BWA, CAM, CAR, CHAD, CHILE, CM, COLOM, CONGO, CRI, CRUSI, CURI, DADI, DJIB, DOI, DRC, ECU, EGUIN, EGYPT, FIN, FR, GABO, GAMB, GH, GIB, GOA, GRMY, GT, GUIN, GUINB, HONDU, IC, ITALY, KAZ, KENYA, LAOS, LEB, MALI, MALTA, MAR, MCO, MG, MNTGR, MOL, MOZ, MSY, MUS, MW, NAM, NCYP, NIC, NIG, NOU, PARA, PL, PORT, ROM, SENE, SERB, SEYCH, STMRI, SURI, SWZ, TUN, TURK, TZA, UGA, UR, VENE, VNM, and ZMB.

REASON FOR CN REVISION:

Revision B – 18 Jun 2014: Revised to include Key Chip menu instructions and generic setting formulas.

SUNSET STATION

6 Games Losing Four Consecutive Days

Mar 20, 2018

Location	Type Desc	Den	Mfr	Mar 20, 2018		Mar 19, 2018		Mar 18, 2018		Mar 17, 2018		4 Day Totals				TTM Data				30 Day	
				Coin In	Act Win	Coin In	Act Win	Coin In	Act Win	Coin In	Act Win	Ttl Coin In	Ttl Act Win	Act Hold%	Theo Hold%	TTM DOF	TTM CPD	TTM WPD	TTM Hold%	# Days Neg	Ttl Act Win
050702	GK MG MD.25-2 2L	0.25	IGT	\$2,792	(\$576)	\$4,921	(\$397)	\$5,766	(\$547)	\$6,433	(\$1,788)	\$19,912	(\$3,308)	-16.61%	4.94%	366	\$2,104	\$55	2.63%	8	\$6,460
062103	GK MG MD.05-1	0.05	IGT	\$908	(\$254)	\$1,785	(\$1,757)	\$684	(\$287)	\$3,998	(\$375)	\$7,376	(\$2,673)	-36.24%	6.46%	366	\$1,215	\$44	3.59%	10	(\$1,629)
051705	880C DANCING DRUMS 4L	0.01	BLY	\$1,875	(\$791)	\$1,426	(\$279)	\$4,254	(\$427)	\$5,673	(\$619)	\$13,228	(\$2,116)	-16.00%	9.02%	81	\$3,695	\$358	9.68%	11	\$10,182
022301	600C THE THIRD PRINCE RP	0.01	ATI	\$515	(\$1,349)	\$428	(\$105)	\$865	(\$71)	\$2,612	(\$85)	\$4,421	(\$1,610)	-36.42%	9.90%	366	\$1,229	\$131	10.67%	8	\$3,907
052802	250C GYPSY FIRE JPS 4L	0.01	KGI	\$156	(\$67)	\$850	(\$222)	\$1,470	(\$395)	\$2,560	(\$654)	\$5,037	(\$1,338)	-26.56%	10.54%	366	\$1,179	\$114	9.65%	10	\$1,236
024801	DW TRIP 4/8/10 MD.05--25	0.05	IGT	\$3,659	(\$308)	\$1,962	(\$280)	\$1,767	(\$350)	\$3,362	(\$240)	\$10,750	(\$1,178)	-10.96%	2.10%	366	\$2,263	\$51	2.25%	10	\$861

Based on each machine's current TypeCd & MINum setup, regardless of position on floor
Confidential & Proprietary. Property of Station Casinos.

ER 4

ER 4

Marschke, Bryan

From: McGuire, Nick
Sent: Thursday, March 22, 2018 9:12 AM
To: Group - Sunset - Slot Techs
Subject: FW: Games Losing 4 Consecutive Days
Attachments: Games Losing Four Consecutive Days.pdf

From: noreply@stncognosw2k8b.stationcasinos.com

Sent: Thursday, March 22, 2018 9:12:18 AM (UTC-08:00) Pacific Time (US & Canada)

To: Barile, Vincent; Mikulich, Thomas; Hoff, Theodore; Tyquiengco, Vince; Rawle, Dawn; Wade, Andre; Alvarez, Carlos; Brambley, Nelson; Smith, Lucas; Bashore, Glen; Chavarria, Alfonso; Schweigert, Steve; Stuhr, Greg; Reynolds, Ron; Jacek, Joseph; Oliver, Kevin; Pascua, Gilbert; Marschke, Bryan; Lee, Raymond; Farkes, Joe; Hilke, Brian; Lambert, Ron; Cruz, Dante; De Leon, Bernie; McDermott, Scott; Arena, Brent; Orosco, Albert; Joshua, Donald; Katz, Jordan; Cavallaro, Rick; Lau, Stephanie; McGuire, Nick; Sholing, James; Garni, Robert; McMillan, Eric; Pettersson, Roger; McNeill, Ernie III; Bruno, Tony

Subject: Games Losing 4 Consecutive Days

Slot Department Policy 19

Machine Performance Information Sharing

Effective: February 2005

At no time is any team member allowed to pass on any information to a guest regarding a specific machines performance. Any information sharing to a guest of this type could be in violation of NGCB regulations and statues. Any Team Member doing this will be subject to immediate corrective counseling. Below are the statues regarding this issue:

NRS 465.070 Fraudulent acts. It is unlawful for any person:

To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

NRS 465.075 Use of device for calculating probabilities. It is unlawful for any person at a licensed gaming establishment to use, or possess with the intent to use, any device to assist:

1. In projecting the outcome of the game;
2. In keeping track of the cards played;
3. In analyzing the probability of the occurrence of an event relating to the game; or
4. In analyzing the strategy for playing or betting to be used in the game, except as permitted by the Commission.

Any request for machine information or performance by a guest must be referred to the Shift Manager.

Slot Department Policy 1

Key Issuance and Control

Effective: Revised August 2007

Every Team Member is responsible for the control of keys issued. The policy below outlines the procedures in regards to the issuance and control of all Slot Department keys.

1. Key issuance is controlled and monitored by the Key Watcher or the Slot Office. Keys will be issued and returned to the Key Watcher or the Slot Office. Loss of control of keys or taking keys off property is considered negligence, and will result in corrective counseling up to and including termination.
2. All keys issued must remain inside the hotel and casino. If the keys are taken outside of the building the Team Member may be subject to disciplinary action. If your keys are lost or you have taken them off property, immediately notify a Slot Lead or above. The Slot Lead or above will notify Surveillance, Security, and Senior Slot management.
3. If a Slot Department Team Member loses their entire key set or any of the secured door keys and they are not recovered within 4hrs of the end of their scheduled shift they will be subject to immediate suspension, which will lead to termination.
4. If a Slot Department Team Member fails to return their keys at the end of their shift and the keys are recovered on property intact, within 4hrs of the end of their scheduled shift, the next level of corrective counseling will be issued under the Job Performance Track.
 - If the keys are recovered on property intact after 4 hrs has passed, the Team Member will be issued a Suspension Pending Investigation, which may lead to termination.
 - For any Team Member to claim keys were recovered on property, there will need to be a witness (Security and/or Slot Management) to verify.
5. If a Slot Department Team Member fails to return their keys at the end of their shift and the keys have been taken off property the following will apply for each situation:
 - If the keys are not returned intact within 4 hrs of the end of the Team Members shift they will be subject to immediate suspension, which will lead to termination.
 - If the keys are returned intact, within 4 hrs of the end of the Team Members shift, they will be issued a last and final warning under the Job Performance Track
6. A Team Member will be subject to progressive disciplinary action for leaving a machine door or bank door unsecured.
7. If any keys are broken or do not work you must immediately notify a Slot Lead or above. The key will be checked and replaced. The broken key must be given to the Shift Manager on duty to inventory and replace.

If a key is broken on the floor both pieces of key must be turned in to your Slot Lead or above for proper destruction of broken keys. Should a key break off in a lock of a machine stay at the machine and notify a Slot Technician for assistance.

Exhibit E

1 for with the accounting department and more or less an
2 independent contractor and hired to do consulting work.

3 Q. Okay. And the Gaming Commission, is that the Nevada
4 Gaming Control Board?

5 A. Yes.

6 Q. Sometimes also referred to as the NGCB?

7 A. Yes, it's a two-tiered system. We have the Nevada
8 Gaming Commission and the Nevada Gaming Control Board.
9 They're two separate entities.

10 Q. Okay. And is the Nevada Gaming Control Board, do they
11 have the authority to make arrests?

12 A. They do.

13 Q. Is it considered a state law enforcement agency?

14 A. Yes, it is.

15 Q. Okay. And what positions did you hold at the Nevada
16 Gaming Control Board?

17 A. I began with the board in February of 1995 as an
18 enforcement agent, and I was assigned to the field services
19 section, which responded to casino complaints, reports of
20 individuals that were being detained by the casino subject
21 to arrest, and subsequent to that, in 1996 I believe,
22 sometime in the late summer, I was promoted to senior agent,
23 and I was assigned to the special investigations section,
24 which did confidential investigations on major issues
25 involving licensees, specifically bookmakers and things such

1 guest attendants there at that point, and if we would need
2 any technical expertise, that's when we would summons the
3 slot technician to respond.

4 Q. Okay. And you briefly alluded to it. So what, if any,
5 role does the slot technician play in the process?

6 A. Well, they have a critical role in the process because
7 they're the only ones with access, access to the device and
8 the expertise in which to run the diagnostics of the
9 machine. Game recall, we have button tests, reel step
10 tests, reel strip tests, all of these different functions;
11 plus they can look at all the accounting information such
12 as, you know, how many bills were in the validator and which
13 sequence they were entered, all kinds of different things
14 that the machine can track.

15 Q. Okay. And in your experience, before the Gaming Control
16 Board gets involved, has the casino itself typically
17 conducted an internal investigation and reached a decision
18 as to the dispute?

19 A. Yes. Once I arrived, one of my first duties, I guess,
20 that I would use for myself is I would try to determine who
21 the individual was that made the final binding, non-payment
22 decision, speak to that individual because they then give me
23 the Company's position on the individual's complaint. So
24 then subsequent to that, then I would reverse -- kind of
25 reverse-engineer everything they done up to that point to

1 determine along the way if I agreed with all of the
2 different findings they had made before my arrival.

3 Q. Okay. And in your experience, is that -- what, if any,
4 does the slot technician have in that process?

5 MR. STERN: I'm going to object. That calls for
6 speculation. It doesn't seek probative facts. It's unknown
7 as to time. It's these sort of general questions. We don't
8 know what employer he's referring to. It's just generalized
9 testimony and has no probative value, and I object to it.

10 HEARING OFFICER KOPSTEIN: It's as to his experience, I
11 think. I'll overrule the objection, and the testimony will
12 be given the appropriate weight by the finder of fact.

13 Q. BY MR. HARLOW: You can answer.

14 A. Like I said, upon my arrival, if there was, you know,
15 written voluntary statements taken, I would review those.
16 But at the same time, I would also conduct a personal
17 interview of the patron, any other witnesses, and of course,
18 the slot technician themselves, to determine what, if
19 anything, they had done, what, if any, determinations they
20 had made, and then based on that information, I would move
21 forward and complete the investigation and agree or disagree
22 with their findings.

23 Q. Okay. And in your personal experience, what weight, if
24 any, is given to the slot technician's conclusions or
25 recommendations?

1 MR. STERN: I'm going to object. It's vague. What
2 weight is given by who?

3 HEARING OFFICER KOPSTEIN: If you could rephrase.

4 Q. BY MR. HARLOW: By the Nevada Gaming Control Board.

5 A. Me as the primary decision make, I give great deference
6 to the information that they have provided.

7 Q. And when you interact with these slot techs at the
8 property, do the slot techs act on their own accord, or are
9 they directed what to do by the Gaming Control Board?

10 MR. STERN: Objection. Calls for speculation.

11 Q. BY MR. HARLOW: In your experience.

12 A. I do not know. It's taken outside my presence. I have
13 no idea.

14 Q. No, I'm talking once you personally arrive on the scene.
15 I'm sorry, not the preceding investigation. Does that --

16 MR. STERN: I'm sorry. I'm lost in the questions.

17 THE WITNESS: Me, too.

18 HEARING OFFICER KOPSTEIN: Can you repeat the question?

19 MR. HARLOW: Sure.

20 Q. BY MR. HARLOW: You testified that you personally would
21 go out to these properties, these licensees to conduct the
22 investigation. Is that right?

23 A. Yes.

24 Q. And that you would personally interview the slot
25 technician?

1 A. Correct.

2 Q. Did the slot technician walk you through the
3 investigation of the machine?

4 A. Yes, they would.

5 Q. Okay. And would you give any directions to the slot
6 technician?

7 A. At that particular point, I would ask them specific
8 technical questions: Had they done a certain test, had they
9 looked at, you know, any certain anomalies of the particular
10 device. Case in point would be the video poker example. I
11 would have him do what we call game recall. Some machines
12 hold up to 10 to 15 games previous. So if they said the
13 fourth position hold button didn't work, I would say, okay.
14 How many in the last 15 games, show me all the games, with
15 the turn of a key or a button? Show me how many times that
16 fourth position button was employed in that particular game,
17 if they were using a game strategy. Then I would see if it
18 was used 3 out of the last 10 games. Obviously, the issue
19 with that button probably not working are obviously
20 diminished at that point.

21 Q. Does the Nevada Gaming Control Board also hear what I
22 understand are employee registration issues or employee
23 registration type disputes?

24 A. Yes. All of the employees are statutorily defined as a
25 gaming employee, have to undergo a background investigation,

1 including an application and fingerprints and so on, which
2 is separate and distinct from the one they filled out at the
3 human resources for the employer themselves. That was filed
4 with the state. Once we receive the application, we do our
5 own cursory records check. If we find that there's, based
6 on the fingerprint information or based on local records
7 checks, if there's arrest information or other let's say
8 nefarious acts associated with the person, we would then
9 assign that case to our background investigation section.
10 Once they've completed their investigation, if they decide
11 to object to that individual's employment, they're served
12 with a letter of rejection. HR is also served with a letter
13 of objection, and they have to terminate the individual as
14 an employee or transfer them to what is called a non-gaming
15 position.

16 Now, at the end of the day on that, a person then has a
17 60-day window in which to apply to me at the time for an
18 appeal hearing to reverse, modify, or sustain.

19 Q. Okay. And did you, in fact, oversee those hearings?

20 A. 2,227, I believe.

21 Q. Okay. And in your experience with those 2,227 cases,
22 what role, if any, did slot technicians play in the process?

23 A. The enforcement agent would pre-file testimony and
24 documents with me as the hearing officer. I would review
25 those documents, and most often, if it was a criminal case

1 that had involved the board as the arresting agency, then I
2 would be able to review the investigative report filed by
3 the arresting agent, and in there, I would find interviews
4 of the slot techs, written voluntary statements of slot
5 techs, and in so doing, looking at that information, not
6 only did the district attorney give great deference to it to
7 decide on a prosecution as a felony, but I would also look
8 at that and give great deference to it as well.

9 Q. And earlier you mentioned Gaming Board has the authority
10 to make arrests. Did I get that right?

11 A. It's 436.1140, powers and duties of board and commission
12 that's granted by the legislature, the power to conduct
13 arrests.

14 Q. Okay. And what rule, if any, did slot technicians play
15 in the arrest procedure?

16 A. As a specific example, I recall in some cases, when we
17 used to have what used to be coin-based games or token-based
18 games, as opposed to the TITO and cash-based games,
19 typically the slot techs would have to respond when they had
20 what we call a coin jam where you couldn't get the coins to
21 go into the coin head. There would usually be like a lead
22 slug or something stuck in it by some obvious individual who
23 was willing to cheat. Now, at that particular point, not
24 only does the slot tech play a critical role in forming, you
25 know, the probably cause to effect an arrest, if the

1 individual was detained, but they would also find themselves
2 in the chain of custody for the evidence because once
3 they've opened up the device and take the slugs out of the
4 coin hopper, as it was called, and then release that to the
5 agent, then they would find themselves in the chain of
6 custody.

7 MR. HARLOW: No further questions.

8 **CROSS-EXAMINATION**

9 Q. BY MR. STERN: What percentage of time do slot
10 technicians at Palace Station deal with the Gaming Control
11 Board? What percentage of an average week? Do you know?

12 A. My goodness. I have no idea. I've been a field agent
13 since 1997.

14 Q. I'll settle for I have no idea. Did -- when's the last
15 time you investigated any case at the Palace Station, if
16 ever?

17 A. Oh, if ever. Several times.

18 Q. When's the last time?

19 A. 19 -- probably 1997, when I was a supervisor.

20 Q. 1997 they still used coins in slot machines, correct?

21 A. Coins and tokens.

22 Q. That's not the case any more though, is it?

23 A. No, with the advent of the machines being evolved,
24 obviously, they've gone to the cash-based systems and the
25 TITO tickets.